

Application No. 10/655,354
Response to Office Action

Customer No. 01933

Amendments to the Drawings:

Fig. 4 has been amended to change "S(32)" to "32," as required by the Examiner.

Attachment: Annotated Sheet Showing Changes
 Replacement Sheet

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's allowance of claims 1-5 is respectfully acknowledged.

Claims 1-4 have been amended to make some minor grammatical improvements and to correct some minor antecedent basis problems so as to put them in better form for issuance in a U.S. patent.

No new matter has been added, and no new issues with respect to patentability have been raised.

Accordingly, it is respectfully requested that the amendments to claims 1-4 be approved and entered, and it is respectfully submitted that claims 1-5 remain in condition for allowance.

It is respectfully submitted, moreover, that the amendments to claims 1-4 do not narrow the scope of allowed/allowable claims 1-5 either literally or under the doctrine of equivalents.

THE SPECIFICATION

The specification has been amended to correct some minor informalities of which the undersigned has become aware, including all of the informalities pointed out by the Examiner,

and the abstract has been amended to better comply with the requirements of MPEP 608.01(b) as required by the Examiner.

No new matter has been added, and it is respectfully requested that the amendments to the specification be approved and entered, and that the objections to the specification be withdrawn.

THE DRAWINGS

Fig. 4 has been amended as described hereinabove as required by the Examiner. Submitted herewith are a corrected sheet of formal drawing which incorporates the amendment and an annotated sheet showing the changes made thereto.

No new matter has been added, and it is respectfully requested that the amendment to the drawings be approved and entered, and that the Examiner's objection to the drawings be withdrawn.

THE CLAIMS

Claims 9-15 have been amended to make some minor grammatical improvements and to correct some minor antecedent basis problems so as to put them in better form for issuance in a U.S. patent. All of the informalities pointed out by the Examiner have been corrected.

In addition, claims 9 and 12 have been amended to clarify that high-magnification images are obtained only for each of the high-magnification field (second field size) sections determined to contain the sample image information

Still further, new claim 23 has been prepared based on the subject matter of claim 9, and to more positively recite separately obtaining the low-magnification sample image and the high magnification sample images.

No new matter has been added, and it is respectfully requested that the amendments to claims 9-14 and the addition of new claim 23 be approved and entered.

THE PRIOR ART REJECTION

Claims 9 and 12 were rejected under 35 USC 103 as being obvious in view of the combination of WO 97/20198 ("Douglass et al") and USP 5,671,288 ("Wilhelm et al"); and claims 10, 11, 13 and 14 were rejected under 35 USC 103 as being obvious in view of the combination of Douglass et al and Wilhelm et al with one of US 2004/0202357 ("Perz et al") and USP 5,757,954 ("Kuan et al"). These rejections, however, are respectfully traversed.

It is respectfully submitted that Douglass et al merely discloses scanning the slide at low magnification to identify an area of interest, and imaging the area of interest at a higher magnification. And it is respectfully submitted that Douglass et

al does not disclose, teach or even remotely suggest dividing the low-magnification image into high-magnification field (second field size) sections, and checking each of the high-magnification field sections for sample image information, such that only high-magnification field sections containing the sample image information are imaged at the high magnification, in the manner of the present invention as recited in independent claims 9, 12 and 23.

Indeed, the Examiner acknowledges on page 7 of the Office Action that Douglass et al does not disclose dividing a low-magnification image into high-magnification fields corresponding to a field of a high-powered objective lens.

For this reason, the Examiner has cited Wilhelm et al to supply the missing teachings of Douglass et al.

It is respectfully submitted, however, that Wilhelm et al merely discloses that a slide may be divided into low magnification fields, each of which may be further divided into high magnification fields. And it is respectfully submitted that Wilhelm et al does not disclose, teach or suggest that the high-magnification fields are each checked for the presence of sample information, and that only high-magnification fields containing the sample information are imaged at the high magnification, in the manner of the present invention as recited in independent claims 9, 12 and 23.

Therefore, it is respectfully submitted that even if Douglass et al and Wilhelm et al were combinable in the manner suggested by the Examiner, the resulting combination still would not disclose, teach or suggest the features of the present invention whereby a low-magnification image of the sample is divided into high-magnification field sections each corresponding to a field of the high-powered objective lens, whereby each of the high-magnification field sections are checked to determine whether sample image information of the sample is present, and whereby a high-magnification image is obtained by the high-powered objective lens only for each of the high-magnification field sections determined to contain the sample image information, in the manner of the present invention as recited in independent claims 9, 12 and 23.

In view of the foregoing, it is respectfully submitted that amended independent claims 9 and 12 and new independent claim 23, as well as amended claims 10-11, 13 and 14 respectively depending from claims 9 and 12, all clearly patentably distinguish over Douglass et al and Wilhelm et al, taken singly or in combination with any of the other cited references, under 35 USC 103 along with allowed/allowable claims 1-5.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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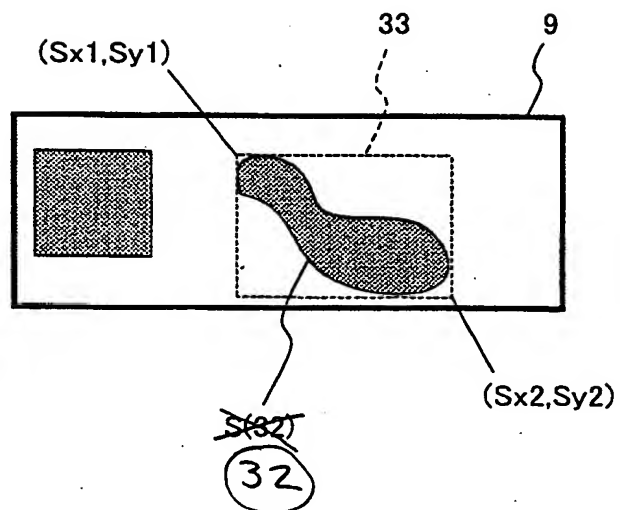


FIG. 4